## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			31-Dec-0	7	APPL. S. N:	10772767			
To Exam	iner:		QUIETT,	CARRAMAH J.	Art Unit	2622			
From			Jefferson, PARALEGA	, Henry L SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68			
SUBJEC	<b>T:</b> Decisio	n on Terminal	Disclaimer	(T.D.) filed:					
form par or have a	agraphs i any quest	dentified by th ions, please se	is informal e me or the	memo in your next O e Special Program Ex	ffice action to notify applicant of aminer. THIS IS AN INFORMAL,	gree, please use the appropriate f the T.D. If you disagree INTERNAL MEMO ONLY. ILE. When your action is complete,			
olease in	itial, date	and return th	is memo to	me. THANK YOU.					
<u>V</u>	The <b>T</b> .D.	is PROPER and	d has been	recorded (see 14.23)					
Γ.	The T.D.	is NOT PROPE	R and has	not been accepted for	the reason(s) checked below (s	ee 14.24):			
		The TD fee of use of a depo	•		d nor is there any authorization	in the application file for the			
	Γ	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
		The person w	ho signed t	he T.D.:					
		is no	ot an attorn	ney "of record" (see 1	4.29 and 14.29.01).				
		has	failed to sta	ate his/her capacity to	o sign for the business entity (se	ee 14.28).			
		is no	ot recognize	ed as an officer of the	assignee (see 14.29 & possible	14.29.02).			
	匚	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
		The T.D. is not signed (see 14.26 & 14.26.03).							
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
	Γ	The period dis	sclaimed is	incorrect or not speci	fied (see 14.26, 14.27.02 or 14	.26.03).			
	Г	Other:				<u> </u>			
	Γ	Suggestion to and do not ch			TE: If already authorized, credit	refund to deposit account			
I have a	ppropriate	ely notified app	olicant(s) of	f the status of the Ter	minal Disclaimer filed in this cas	e.			
Ex.Initia	ls:	Date	e:			Log Date:			

JApplication Number	Application/Control No.		Applicant(s)/Patent under Reexamination  DELUCA ET AL.					
Document Code - DISQ		Internal Doc		cument – DO NOT MAIL				
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPP	☐ DISAPPROVED				
Date Filed : December 10, 2007	This patent is subject to a Terminal Disclaimer							
Annual diplomana								
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

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REJECTION OVER A "PRIOR" PATENT	FN-101-CIP2-US						
In re Application of: Michael J. DeLuca, et al.							
Application No.: 10/772,767							
Filed: February 4, 2004							
For: OPTIMIZED PERFORMANCE AND PERFORMANCE FOR RED-EYE FILTER METHOD AND AP	PARATUS .						
The owner*, <u>FOTONATION VISION LIMITED</u> , of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term <b>prior patent</b> No. <u>6,407,777</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said <b>prior patent</b> is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the <b>prior patent</b> are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.							
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any paten would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened to	prior patent, "as the term of said prior						
Check either box 1 or 2 below, if appropriate.							
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.							
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
2. The undersigned is an attorney or agent of record. Reg. No. 43219							
/Thomas Van Zandt/	December 10, 2007						
Signature	Date						
Thomas Van Zandt							
Typed or printed name	Typed or printed name						
	650-558-8814						
	Telephone Number						
✓ Terminal disclaimer fee under 37 CFR 1.20(d) included.							
WARNING: Information on this form may become public. Credit card inform be included on this form. Provide credit card information and authorization							
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.							

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.